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**APR 04 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Farmer, et al.	:	DECISION REFUSING STATUS
Application No. 10/663,521	:	UNDER 37 CFR 1.47(a)
Filed: September 16, 2003	:	
Atty. Dkt. No.: 65858-0020	:	
For: SYSTEM OR METHOD FOR	:	
IDENTIFYING A REGION-OF-	:	
INTEREST IN AN IMAGE	:	

This decision is in response to the petition under 37 CFR 1.47(a) filed February 28, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Petitioner(s) is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted herein. The reply under 37 CFR 1.47(a) may include an oath or declaration executed by the non-signing inventors. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed without an executed oath or declaration. Accordingly, a Notice to File Missing Parts of Nonprovisional Application (Notice) was mailed November 29, 2006. The Notice required a surcharge and an executed oath or declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition fails to satisfy requirement (1). Petitioners have failed to establish that the non-signing inventor received a complete copy of the application papers (specification, including

claims, drawings, and oath or declaration) and thereafter refused to execute an oath or declaration.

The instant petition does not establish that the inventor received the complete application papers (specification, including claims, drawings, and oath or declaration), and thereafter refused to execute the declaration. Instead, the petition indicates the inventor was forwarded the declaration and an assignment document.

Petitioners are reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor at the non-signing inventor's last known address, typically a residential address.

Any renewed petition should be accompanied by evidence to establish that the non-signing inventor was sent a complete copy of the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the declaration. Petitioners may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (3), the required petition fee of \$200.00 has been charged petitioners' deposit account as authorized.

As to item (4), petitioners have failed to provide the last known address of the non-signing inventor.

An application filed pursuant to 37 CFR 1.47 must state the last known address of the non-signing inventor. That address should be the last known address at which the inventor customarily receives mail. Ordinarily, the last known address will be the last known residence of the non-signing inventor. Inasmuch as a non-signing inventor is notified that an application pursuant to 37 CFR 1.47 has been filed on his or her behalf, other addresses at which the non-signing inventor may be reached should also be given. Each applicant's mailing or post office address is required to be supplied on the oath or declaration, if not stated in an

